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Total Number of Pages in This Submission

Application Number	10/670,046
Filing Date	September 24, 2003
First Named Inventor	Frank Hardt
Art Unit	1771
Examiner Name	Daniel R. Zirker
Attorney Docket Number	RO0233US.CON (#90568)

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
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- ☒ Other Enclosure(s) (please Identify below):

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	December 27, 2006	Reg. No.	24,603

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PTO/SB/17 (07-06)

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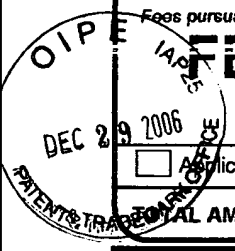

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	($)	0.00

Complete if Known	
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☒ Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims		Extra Claims	Fee ($)	Fee Paid ($)
_____	- 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims		Extra Claims	Fee ($)	Fee Paid ($)
_____	- 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____	- 100 =	_____	/ 50 =	_____ (round up to a whole number)	x 250.00	= 0.00

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): _____	_____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 24,603	Telephone 216-771-3800
Name (Print/Type)	D. Peter Hochberg		Date December 27, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C: 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Frank Hardt & Paul Genich
Serial No.	:	10/670,046 / Conf. No. 5022
Filing Date	:	September 24, 2003
Examiner / Group Art Unit	:	Daniel R. Zirker / 1771
Title	:	Method for Producing Adhesive Blanks From and Endless Band and Blanks Obtained According to Said Method
Attorney File	:	RO0233US.CON (#90568)
Technology Center	:	1700

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APPEAL BRIEF (revised)

Dear Sir:

This brief is in furtherance of the Notice of Appeal submitted in this case on March 31, 2006 and received by the United States Patent and Trademark Office on April 3, 2006 – and in response to the Office action issued by the Examiner on November 28, 2006. It is believed that no additional fees are required; however, please charge any additional fees which may be required for this matter to Applicant's attorney's Deposit Account No. 08-2441 – D. Peter Hochberg Co., L.P.A.

Real Party in Interest:

The real party in interest is the assignee of the Applicant, LTS Lohmann Therapie-Systeme AG.

Related Appeals and Interferences:

None.

Status of Claims:

Claims 1-8 are pending in the application. Claim 9 has been canceled. The rejection of claims 1-8 is being appealed.

Status of Amendments:

No further amendments have been filed subsequent to the Final Office Action which is dated November 8, 2005.

Summary of Claimed Subject Matter:

This invention relates to an adhesive die-cut article (page 3, line 22; par. 0012; articles 11; claim 1) having an external contour (page 4, line 5; par. 0013; layer 5; claim 1), which comprises an adhesive layer with an internal cut-out (page 4, line 5; par. 0013; cut-out 3; claim 1) also having a contour. The external contour of the adhesive die-cut article has no common point with the contour of the internal cut-out (page 3, line 23; par. 0012; cut-out 3; claim 1). A matrix layer (page 3, line 18; par. 0010); layer 6; claim 1) is provided having an internal cut-out (page 8, line 2; par. 0027; cut-out 3; claim 1) which is congruent with the internal cut-out in the adhesive layer (claim 1). The matrix layer is a compacted material (claim 1). A covering film (page 4, line 3; par. 0012; film 9; claim 1) is provided for covering the composite of matrix layer, adhesive layer and internal cut-out (claim 1) and the internal cut-out is filled with a filler material (page 4, line 2; par. 0012; material 2; claim 1). The filler material contains a pharmaceutical active ingredient (claim 1), such as salicylic acid, lactic acid, 5-fluoruracil, capsaicin, acetyl-salicylic acid, or nonoic acid vanillyl amide (page 8, lines 10-15; par. 0029; claim 1). The adhesive article further includes a detachable protective film (page 7, line 19; par. 0026; film 8; claim 2). The filler material itself comprises a material such as a liquid, a semi-solid, gel-like, pasty, powdery and fusible materials, or a mixture thereof (page 8, lines 8-10; par. 0029; claim 6).

The adhesive layer of the article of the present invention comprises a natural or synthetic polymer (claim 7) which may be, for example, polyacrylates, polyisobutylenes, silicones, rubber and SIS block copolymers (page 8, lines 16-20; claim 7). The matrix layer of the adhesive die-cut article comprises a natural or synthetic polymer (claim 8)

selected from the group consisting of polyacrylates, polyethylenes, polypropylenes, polybutylenes, polyurethanes, poly-1-butenes, polyisobutene, rubbers, silicone rubbers, cellulose, chemical pulp, paper, cotton, acetylcellulose, celluloid, viscose, polyacrylonitrile, polyvinylalcohol, polyvinyl acetate, polyvinyl ether, and ethylene-vinyl acetate (EVA) copolymers (page 9, lines 1-11; claim 8).

Grounds of Rejection to be Reviewed on Appeal:

The following issues are present in the present appeal:

1. Was the rejection of claims 1-8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention proper?

2. Was the rejection of claims 1-8 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement proper?

3. Was the rejection of claims under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,244,677 (Kreckel *et al.*) proper?

Argument:

The rejection of claims 1-8 under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, the rejection of claims 1-8 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement, and the rejection of claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,244,677 (Kreckel *et al.*) are improper and should be reversed.

Claim 1 recites an adhesive die-cut article having an external contour comprising an adhesive layer with an internal cut-out having a contour, wherein the external contour of the adhesive die-cut article has no common point with the contour of the internal cut-out. The adhesive die-cut article has a matrix layer having an internal cut-out which is congruent with the internal cut-out in the adhesive layer, and matrix layer is a compacted material. A covering film covers the composite of matrix layer, adhesive layer, and internal cut-out, and the internal cut-out is filled with a filler material containing a pharmaceutical active ingredient, which may be salicylic acid, lactic acid, 5-fluoruracil, capsaicin, acetyl-salicylic acid, and nonoic acid vanillyl amide.

The Examiner first states in the Final Office action dated November 8, 2005, on page 2, that claims 1-8 fail to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner, in particular, states that the language of claim 1 which reads "the matrix layer can be a compacted material" is vague, indefinite and confusing since the specification contains no suitable teaching as to just what constitutes a "compacted material."

The Examiner next states in the Final Office action on page 3 that claims 1-8 are rejected as failing to comply with the enablement requirement in that the claims contain subject matter which was not described in the specification in such a way to enable one skilled in the art to make and/or use the invention. In particular, the Examiner argues that the specification provides no guidance as to what constitutes a "compacted material," but that it only provides a discussion of the equivalence of a compacted material being a foam, fabric, porous sheet or non-woven fabric.

Lastly, the Examiner states in the Final Office action (on pages 3-4) that claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kreckel, et al. With reference to the initial Office action dated June 15, 2005, the Examiner argues that Kreckel, et al. teach a substantial anticipation of the claimed invention, disclosing an adhesive punchout article comprising an adhesive layer with an inner recess, the outer line of the adhesive punchout sharing no common point with the outline of the inner recess. The Examiner also states that the reference discloses an adhesive backed medicine pill die cut for application to the skin. The Examiner acknowledges that the reference fails to disclose the presence of any specific pharmaceutical active ingredients, such as those set forth in claim 1. However, the Examiner argues that the presence of almost any other pharmaceutical active ingredient would be an obvious modification to one of ordinary skill in the art, absent unexpected results. In the final Office action, the Examiner further argues that the specification either appears to give no meaningful guidance as to what a compacted material can be made from, or alternatively, claim 9 (now canceled) at least appeared to have formerly taught that it can be, e.g., a foam material. In the former instance, the Examiner states the reference teaches a "matrix

layer," and in the latter instance, the Examiner states that the reference teaches a foamed material which it calls the carrier layer.

Rejection of claims 1-8 under 35 U.S.C. 112, second paragraph

The Applicants respectfully traverse the rejection on the basis that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter. The Applicants respectfully submit that, as set forth in M.P.E.P. Section 2173.02, the examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. The Examiner should allow claims which define the patentable subject matter with a reasonable (emphasis provided) degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) the content of the particular application disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. (M.P.E.P. Section 2173.02, Ex. E). In particular, the Applicants respectfully submit that one having the ordinary level of skill in the art would readily recognize what a compacted material is.

The Applicants further respectfully submit that the term is a term of art which is in no way vague or confusing to one skilled in the art. The term "compact" is defined in

various dictionaries as "closely packed together, neatly fitted, joined firmly together, close, dense, solid, imporous, firm, compressed, pressed together or of firm texture." See, for example, the Oxford Advanced Learner's Dictionary of Current English (A.S. Hornby (Ed.) 3rd Edition 1974, Cornelsen & Oxford University Press) and found on the Internet at www.oup.com/oald-bin/web_getald7index1a.pl (Exhibit A) or the Merriam-Webster online Dictionary (www.m-w.com) (Exhibit B). Clearly, a compacted material is produced by the compression of material, which thus gets closely packed together, imporous and obtains a firm texture.

In addition to the above, the Applicants respectfully submit that the USPTO Patent Classification System (PCS) clearly defines what constitutes a "compacted fiber article" in Class 28, Subclass 121. The PCS defines this as "a textile item that is formed by wrapping a mass of fibers within a covering and wherein the mass of fibers is compressed into a desired shape prior to, during or after the wrapping occurs" (Exhibit C). In addition, the USPTO classification system further defines "compacting" as "subjecting the contents material to forces which crowd portions of the contents into a more confined space or which contract or elongate the contents without breaking" (Class 53, Subclass 436) (Exhibit D). Still further, Class 100, Subclass 35+, concerns "presses," i.e., apparatus for subjecting material to compressive force, including methods in which material is pressed to compact it to a smaller volume.

Based on the above, the Applicants respectfully submit that one skilled in the art of manufacturing dermal or transdermal drug application systems would readily recognize what a compact(ed) material is, regardless of whether the material is made of fibers, compressed foam or compressed particles, that the term is clear to one having the

ordinary level of skill in the art on its own and one skilled in the art would readily understand the meaning of the term "compacted" as it pertains to the relevant art. Withdrawal of this rejection is respectfully requested.

Rejection of claims 1-8 under 35 U.S.C. 112, first paragraph

The Applicants respectfully traverse the rejection on the basis that the claims fail to comply with the enablement requirement as not having the subject matter described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. For the reasons set forth above, the Applicants respectfully reassert the position that one skilled in the art would readily recognize what a compacted material is. Moreover, the specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public. *In re Buchber*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied,* 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984); M.P.E.P. Section 2164.05(b) (Exhibit F).

As noted in the final Office action, page 3, the Examiner states that canceled claim 9 taught that a compacted material could be selected from the group consisting of a foam, a fabric, a porous sheet or a non-woven fabric, but that the specification only discusses what a compacted material could be at paragraph 0031, which taught the equivalence (emphasis provided) of a compacted material, that being any of the remaining four embodiments set forth in the Markush group of canceled claim 9. The Applicants respectfully submit that such a conclusion appears to contradict the objection

that the claims fail to comply with the enablement requirement. Nevertheless, paragraph 0031 discloses that the matrix layer may be present as a compacted material, a foam, a fabric, a porous sheet or a non-woven fabric. It is not stated whether these different materials have different properties, serve different functions and/or each of those associated with certain advantages of the other one is not disclosed. Therefore, the Applicants respectfully disagree with the conclusion that these different materials for the matrix layer are intended to be equivalents. Each material may be used for the matrix layer; however, each material serves its own particular function and has its own particular attributes.

Even if the compacted material and the other materials for the matrix (i.e., foam, fabric, porous sheet, non-woven fabric) are equivalent from today's perspective, the Applicants respectfully submit that there is no evidence in the cited prior art or elsewhere in the record which would indicate that a compacted material could also be used for the matrix of the present invention. The Applicants respectfully submit that it is the merits of the inventors of the present invention who in fact identified the utility of using a compacted material for the matrix of die cut articles. The Applicants respectfully submit that it appears that the determination of the equivalence of a compacted material and the other aforementioned materials of the matrix layer is derived from an undue ex-post analysis, since the presumed equivalence was disclosed for the first time by the inventors in the specification of the present invention. It is the Applicants' position that particular features or embodiments of an invention can not and should not be held against the patentability of the invention. Therefore, the Applicants respectfully submit that the Examiner's note that paragraph [0031] teaches the equivalence of a compacted material

with any of the remaining four embodiments can not provide a ground for the present rejection. Withdrawal of this rejection is respectfully requested.

Rejection of claims 1-8 under 35 U.S.C. 103(a)

The Applicant respectfully traverses the rejection of claims 1-8 being obvious in light of the cited prior art. The Applicants first submit that pending claim 1 is directed to an adhesive die-cut article comprising a matrix layer being a compacted material which is provided with an internal cut-out which is filled with a filler material containing a pharmaceutical active ingredient selected from the group consisting of a salicylic acid, lactic acid, 5-fluoruracil, capsaicin, acetyl-salicylic acid, and nonoic acid vanillyl amide. The Applicants believe that a close inspection of the claimed pharmaceutical active ingredients reveals that the pharmaceutical active ingredients are not a merely arbitrary or random selection, but rather are pharmaceutical active ingredients which are used for topical treatment of certain skin disorders (e.g., spots, pimples, warts, calluses, corns, shingles). The lesions are restricted to particular small areas of the skin. Moreover, the treatment of the disorders is restricted to the area of the lesions in order to avoid inappropriate damage of any healthy skin adjacent to the affected site. This feature of the present invention is advantageous in particular because of the particularly aggressive nature of the listed pharmaceutical active ingredients.

Restricting access of the pharmaceutical active ingredient to the spot where action is desired cannot be achieved with a porous material, such as a foam, woven fabric, non-woven fabric or a porous sheet, because the pharmaceutical active ingredient can enter the pores and spaces of the porous material and, in turn, be spread across the area of the matrix layer. The pharmaceutical active ingredient could subsequently negatively affect

the adhesive properties of the adhesive layer which keeps the die-cut article attached to the patient's skin, might then disintegrate the adhesive layer and thereby obtain access to the healthy skin underneath the die-cut article.

On the other hand, the use of a compacted material for the matrix is beneficial in that the presence of the pharmaceutical active ingredient can be restricted to the internal cut-out of the die-cut article. The pharmaceutical active ingredient is unable to migrate through pores, which do not exist in a compacted material, to obtain access to the skin underneath the adhesive layer with which the matrix is provided. Although it is believed that these effects are impossible to quantify, the presently claimed adhesive die-cut is an article which demonstrates certain advantages.

Kreckel, et al. teach an adhesive punchout article wherein the matrix is a porous foam or non-woven fleece, rather than a compacted material. Kreckel, et al. do not teach the presence of any specific drug. Although any drug could presumably be incorporated into a device of Kreckel, et al., such teaching does not make the present invention obvious to one skilled in the art. Kreckel, et al. neither suggests the use of a compacted material nor addresses the problem that certain drugs will get in contact with the unaffected skin. Therefore, Kreckel, et al. does not provide a suggestion as to the specific drugs which are set forth in present claim 1. Moreover, Kreckel, et al. does not make the specific combination of a matrix made of a compacted material with a pharmaceutical active ingredient selected from the group consisting of salicylic acid, lactic acid, 5-fluoruracil, capsaicin, acetyl-salicylic acid, and nonoic acid vanillyl amide obvious to one skilled in the art at the time the present invention was made.

With regard to the Examiner's position that the specification does not provide a meaningful guidance as to what a compacted material is, the Applicants respectfully refer to the arguments set forth above regarding a compacted material being known to one skilled in the art. In summary, the meaning of a compacted material is well known in the art and therefore one skilled in the art would readily be aware of the meaning of the term. Consequently, the Applicants respectfully submit that an extensive description of a compacted material in the specification would not be necessary and was therefore omitted for the sake of brevity.

In particular reference to Kreckel, et al., the prior art does not indicate that a compacted material can be used as a matrix in die-cut articles. Beyond that, it can not be inferred from Kreckel, et al. that it might be advantageous to restrict topical application of certain drugs to the affected spots on the skin, and that this can be achieved by providing a die-cut article with an internal cut-out with a matrix which is made of a compacted material. Therefore, the Applicants submit that Kreckel, et al. does not render the present invention obvious at the time it was made.

In light of the aforementioned deficiencies of the teachings of Kreckel, et al., the Applicants respectfully submit that the reference fails to teach every limitation set forth in claims 1-8 and that due to these deficiencies. Withdrawal of this rejection is strongly requested.

SUMMARY

The Applicant respectfully submits that the cited references do not teach, suggest or show the present invention as presently claimed or advantages attendant thereto. In conclusion it is requested that the rejection of claims 1-8 as failing to comply with the

enablement requirement, as failing to particularly point out the intended invention and as being unpatentable over U.S. Patent No. 5,244,677 (Kreckel, *et al.*) under 35 U.S.C. §103(a) be withdrawn, that the Board reverse the decision of the Examiner and allow claims 1-8.

Respectfully submitted,

Date: December 27, 2006

By: _____
D. Peter Hochberg
Reg. No. 24,603

D. Peter Hochberg Co., L.P.A.
The Baker Building – 6th Floor
1940 E. 6th Street
Cleveland, Ohio 44114
(216) 771-3800
Enc. Appendix

Claims Appendix

1. (previously presented) An adhesive die-cut article having an external contour comprising an adhesive layer with an internal cut-out having a contour, wherein the external contour of the adhesive die-cut article has no common point with the contour of the internal cut-out, a matrix layer having an internal cut-out which is congruent with the internal cut-out in the adhesive layer, said matrix layer being a compacted material, and a covering film covering the composite of matrix layer, adhesive layer, and internal cut-out, wherein the internal cut-out is filled with filler material containing a pharmaceutical active ingredient selected from the group consisting of salicylic acid, lactic acid, 5-fluoruracil, capsaicin, acetyl-salicylic acid, and nonoic acid vanillyl amide.

2. (previously presented) The adhesive die-cut article according to claim 1, further comprising a detachable protective film.

3. (previously presented) The adhesive die-cut article according to claim 1, wherein the internal cut-out has a circular shape.

4. (previously presented) The adhesive die-cut article according to claim 1, wherein the internal cut-out has a rectangular shape.

5. (previously presented) The adhesive die-cut article according to claim 1, wherein the thickness of the adhesive layer and of the matrix layer in sum are less than the maximum extent of the internal cut-out in longitudinal or transverse direction.

6. (previously presented) The adhesive die-cut article according to claim 1, wherein said filler material is selected from the group consisting of liquid, semi-solid, gel-like, pasty, powdery and fusible materials and mixtures thereof.

7. (previously presented) The adhesive die-cut article according to claim 1, wherein the adhesive layer comprises a natural or synthetic polymer selected from the group

consisting of polyacrylates, polyisobutylenes, silicones, rubber and SIS block copolymers.

8. (previously presented) The adhesive die-cut article according to claim 1, wherein the matrix layer comprises a natural or synthetic polymer selected from the group consisting of polyacrylates, polyethylenes, polypropylenes, polybutylenes, polyurethanes, poly-1-butenes, polyisobutene, rubbers, silicone rubbers, cellulose, chemical pulp, paper, cotton, acetylcellulose, celluloid, viscose, polyacrylonitrile, polyvinylalcohol, polyvinyl acetate, polyvinyl ether, and ethylene-vinyl acetate (EVA) copolymers.

9. (canceled)

Evidence Appendix

Exhibit A – Oxford University Press Online – Definition of "compact"

Exhibit B – Merriam-Webster Online Dictionary – Definition of "compact"

Exhibit C – USPTO Classification System Class 28, Subclass 121

Exhibit D – USPTO Classification System Class 53, Subclass 436

Exhibit E – Copy of relevant portion of MPEP 2173.02

Exhibit F – Copy of relevant portion of MPEP 2164.05(b)

Related Proceedings Appendix

None.